

Map ID  
Direction  
Distance  
Elevation

MAP FINDINGS

EDR ID Number  
EPA ID Number

IG1179  
East  
> 1  
1.557 mi.  
8222 ft.

TARNAVSKY RESIDENCE  
170 DOVER ST  
BROOKLYN, NY

NY Spills S104880854  
N/A

Site 1 of 2 in cluster IG

Relative:  
Higher

Actual:  
3 ft.

SPILLS:

Name: TARNAVSKY RESIDENCE  
Address: 170 DOVER ST  
City,State,Zip: BROOKLYN, NY  
Spill Number/Closed Date: 0010029 / 2009-08-18  
Facility ID: 0010029  
Facility Type: ER  
DER Facility ID: 92343  
Site ID: 104539  
DEC Region: 2  
Spill Cause: Other  
Spill Class: B3  
SWIS: 2401  
Spill Date: 2000-12-04  
Investigator: JBVOUGHT  
Referred To: Not reported  
Reported to Dept: 2000-12-05  
CID: 252  
Water Affected: Not reported  
Spill Source: Private Dwelling  
Spill Notifier: Other  
Cleanup Ceased: Not reported  
Cleanup Meets Std: False  
Last Inspection: Not reported  
Recommended Penalty: False  
UST Trust: False  
Remediation Phase: 0  
Date Entered In Computer: 2000-12-05  
Spill Record Last Update: 2009-08-18  
Spiller Name: MIKE RIZZO  
Spiller Company: NATIONAL TRANSPORTAION FUEL CORP.  
Spiller Address: 195 BUSH ST  
Spiller Company: 999

Contact Name: ELAINA

DEC Memo: "Prior to Sept, 2004 data translation this spill Lead\_DEC Field was TIPPLE 8/23/05 - Raphael Ketani. Case transferred to Jeff Vought. 7/27/09- Complete File Review by Intern EM Ibeh and DEC Vought. File being reviewed is SP# 0010029, PIN# 01725, and spill date-12/4 / 2000. Caller remarks on original spill report states that oil was accidentally delivered to 170 Dover St., Brooklyn NY 11235 and strong odor from the oil was permeating the compound s residence. Closed SP# #0010030- 3rd party spill at 174 Dover St. on 12/5/00. 171gallons of unknown petroleum was spilled. SP# closed 12/14/00. No PBS records were found for either property. 12/28/00- Sales Contract from Capezzano Construction Corp. to Mrs. Tarmousky stating that they would provide all the necessary materials and labor to do the jobs described as, a) gutting of entire basement area b) removal of kitchen, walls, floor and ceiling c) removal of hall walls, floor and ceiling d) removal of (2) bedroom walls, floor and ceiling e) removal of all insulation f) removal of all basement floor joists, oak flooring and sub floor. It also states that above labor must be approved by Mr. Jacob Krimgold of the DEC and job to begin on 12/29/00. 12/28/00- Letter from DEC Krimgold to Mr. Mike Rizzo of National Transportation Fuel Corp, 195 Bush St., Brooklyn, NY 11231

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stating that the letter provides National Transportation Fuel Corp. with the DEC s requirements regarding the petroleum spill and resulting vapors at the Tarnavsky s residence at 170 Dover St and that the DEC was notified by a neighbor on 12/5/00 that the company made an oil delivery to the above address when apparently, it does not possess an oil heating system. Letter states that investigation and cleanup of any petroleum contamination in soil or groundwater must be completed and site restored to pre-spill conditions within a reasonable time-frame to be established by the Department. Also stated was the hiring of Capezzano Construction Corp by Mr. Rizzo for removal of contaminated structures and soil beneath the basement floor, however there were doubts that Capezzano Construction Corp. could perform all remedial requirements thus it was advised by DEC that: a) all excavation beneath the house must be performed in accordance with Part 29 CFR 1910.120 of OSHA requirements b) all remedial work must be supervised by an engineer c) excavation of basement floor to the safe limit with analysis of post-excavation samples at a qualified laboratory d) if sample results indicate possibility of groundwater contamination, then at least 3 groundwater wells should be installed to monitor groundwater condition and if groundwater indicates contamination then a remediation system should be installed at the site e) all contaminated soil and petroleum-impacted materials from the basement of the residence must be removed and properly disposed of and f) the Department requires that exterior walls, foundation and other structures be steam cleaned and then sealed with epoxy liner (if necessary) to eliminate vapor impacts to the residence. 12/29/00- Fax transmittal from Milana Tarnavsky to DEC Krimgold stating that she contacted Mr. Rizzo of National Transportation Fuel Corp. on this day regarding the spill at her residence and he said he could not make promises or take responsibility for the damages caused as a result of the spill of 171gallons of oil into her gas-heated home. In addition, he screamed that he was not to be bothered on the subject. As a result of the spill, she had to find other residence and as a single parent of an asthmatic child, she could not continue to pay mortgage as well as rent. She requested the DEC to remove the contaminated material from her home and restore it to its pre-contaminated condition. 1/2/01- Fax transmittal from Milana Tarnavsky to Mayor Giuliani asking for his intervention in the matter and stating that on 12/4/00, Atlantic-Pacific Oil Corp. subcontracted National Transportation Fuel Corp. to deliver over 170 gallons of petroleum to a neighbor on a parallel street but it was erroneously delivered to her gas-heated home and as a result, she and her family had to find other residence. 1/3/01- Fax transmittal from Milana Tarnavsky to DEC Krimgold asking for provision of case description and copy of files opened as a result of the spill at her residence. 1/3/01- Letter from DEC Krimgold to Mike Rizzo stating that the contractor he hired to perform cleanup and remediation on 170 Dover St., Capezzano Construction Corp., is not qualified by the Department to perform this kind of work thus he is ordered to find a qualified cleanup contractor to begin cleanup work within 48hrs of the receipt of this letter. 1/9/01- Fax transmittal from Milana Tarnavsky to DEC Krimgold requesting for the action plan for all work to be done by the contractor approved by the DEC, Milro Associates. 1/10/01- Letter from Milro to DEC Krimgold stating that they were contacted on 1/8/01 to investigate a mis-delivery of #2 fuel oil spill at 170 Dover St., and their proposed scope of work include: a) Removal of effected wall boards of 3 rooms, including burner room. Strip ceiling to expose framing and treat those areas. Remove oil effected floor tiles b)

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Impacted areas to be washed using pressure washer and degreaser c) after area has dried, encapsulation of all oil contaminated areas with a 2-part epoxy to prevent residual odors from migrating in to the residence d) soil would be excavated in basement if contamination is observed and if removed, at least one end-point soil sample will be submitted for lab analysis e) if results indicate possibility of groundwater contamination, 3 monitoring wells may be installed in a location to be determined by the DEC f) petroleum contaminated soil and debris will be removed and disposed of accordingly g) basement will be restored to its original conditions with like and kind materials. Work was schedule to commence 1/11 and the estimated time to complete cleanup was 5-7 days though hit depended on sit conditions. 7/20/01- Fax transmittal from NYS Insurance Department to DEC of the following documents: 1/31/01- Letter from Kaming &Kaming, Attorneys At law, 156 E 65th St., NY 10021 to Mr. Tony Urina, OIG Insurance Company, 130 Route 109, West Babylon, NY 11704 re: National Transportation Fuel Corp.: Enclosed was a Notice of Intent and stated was the fact that OIG was the insurance broker for National Transportation Fuel Corp. where it was involved in a mis-delivery of oil deposited through a sealed disconnected pipe into the ceiling and basement floor of 170 Dover St. Also mentioned was that National Transportation Fuel Corp. ignored the order of the Dec to remediate the condition. 3/9/01- Letter from Kaming &Kaming to Utica National Insurance Group, 180 Genesee St, New Hartford, NY 13413 re: Validity of Certificate of Insurance: Enclosed was a Certificate of Insurance issued by OIG Agencies Inc. to National Transportation Fuel Corp. indicating that these policies belonged to Utica National Insurance Group. Letter asked for confirmation of past and present existence of these policies and any validity to the Certificate of Insurance and attached correspondence with OIG Insurance Company. 5/15/01- Document from Utica National Insurance Group to NYS Insurance Department, Frauds Bureau, 25 Beaver St, NY 10004 stating that Utica received a copy of a Certificate of Insurance for National Transportation Fuel Carriers, Inc. and that their records confirm they never issued any policy to said company. In addition, they claimed that the policy numbers on the certificate were phony, the certificate was a forgery and they requested a criminal investigation into the matter. 6/20/01- Statement from Samuel Albinder to Rosalind Thomas of Insurance Department: That he is the President of Atlantic & Pacific Oil Heat located at 1195 Coney Island Ave, Brooklyn and that Mike Rizzo of National Transportation Fuel Carriers, Inc. has worked for him for about 4 or 5 years. Since he no longer has trucks to deliver oil, he uses outside trucks and he requires that they provide a Certificate of Insurance putting him as the secondary insured person. National Transportation Fuel Carriers, Inc used to be called Perfect Systems One and they gave a Certificate of Insurance from OIG Agency so he had no reason to believe document was fraudulent and he did not verify it as it had his name on it. Unfortunately, driver delivered to 170 Dover St. instead of 170 Coleridge St. and he received a call from the neighbor of 170 Dover St asking if he was aware of spill. A week or two later, he received a call from the attorney representing the home-owner and he told her that National Transportation Fuel Carriers, Inc had insurance so she should speak to their insurance company. He contacted Mike Rizzo and asked if he reported incident to insurance company and he said he did. Mr. Rizzo, Mr. Orrino (OIG owner) and Mr. Albinder held a conference call and Mr. Orrino stated that Mike Rizzo had no insurance as he failed to pay the premiums. Mr. Albinder asked why he was not notified Mr. Rizzo had no insurance and Mr. Orrino said that Mr. Rizzo promised to pay premiums but

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failed to do so. Mr. Orrino then stated that he did not sign the Certificate of Insurance but his secretary did, then Mr. Rizzo stated that he gave Mr. Orrino a check but the latter said that it had nothing to do with insurance on the trucks. 4/15/03- ISR from DEC to Spill Compensation Fund, Albany. 7/30/09- As per Bechard of OAG, the responsible parties were Mike Rizzo of National Transportation Fuel Carriers, Inc., 195 Bush St., Brooklyn, NY 11231 and Atlantic & Pacific Oil Heat, 1195 Coney Island Ave, Brooklyn and the case was settled in July 2006. 08/14/09-Vought-Vought and Ibeh reviewed site with DEC Austin and spill closed as contractors payment applications show replacement of: impacted building materials and possessions, plumbing, flooring, cleaning. No endpoint sample analyticals in file and no further vapor complaints received. Ibeh spoke with NYSOAG Bechard and NYSOAG settled with responsible party. 08/18/09-Vought-Spoke to DEC Farrar and as Att. Gen. Close Date box is filled out in UIS, no Final ISR needed. "

Remarks:

"CALLER STATES THAT OIL WAS ACCIDENTALLY DELIVERED TO RESIDENCE WHERE AN ELDERLY MALE RESIDES WITH DAUGHTER WHO WAS AWAY. STRONG ODOR FROM OIL IS PERMEATING COMP'S RESIDENCE AND SHE IS CONCERNED FOR WELFARE OF NEIGHBOR-THEY HAD THEIR HEAT SHUT OFF AND OIL COMPANY DELIVERED TO WRONG RESIDENCE."

All Materials:

Site ID: 104539  
Operable Unit ID: 832171  
Operable Unit: 01  
Material ID: 543955  
Material Code: 0001A  
Material Name: #2 fuel oil  
Case No.: Not reported  
Material FA: Petroleum  
Quantity: 171.00  
Units: G  
  
Recovered: .00  
Oxygenate: Not reported

Name: TARNAVSKY RESIDENCE  
Address: 170 DOVER ST  
City,State,Zip: BROOKLYN, NY  
Spill Number/Closed Date: 0010029 / 2009-08-18  
Facility ID: 0010029  
Facility Type: ER  
DER Facility ID: 92343  
Site ID: 104539  
DEC Region: 2  
Spill Cause: Other  
Spill Class: B3  
SWIS: 2401  
Spill Date: 2000-12-04  
Investigator: JBVOUGHT  
Referred To: Not reported  
Reported to Dept: 2000-12-05  
CID: 252  
Water Affected: Not reported  
Spill Source: Private Dwelling  
Spill Notifier: Other  
Cleanup Ceased: Not reported  
Cleanup Meets Std: False  
Last Inspection: Not reported

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Recommended Penalty: False  
UST Trust: False  
Remediation Phase: 0  
Date Entered In Computer: 2000-12-05  
Spill Record Last Update: 2009-08-18  
Spiller Name: SAMUEL ALBINDER  
Spiller Company: ATLANTIC&PACIFIC OIL COMPANY  
Spiller Address: 1195 CONEY ISLAND AVE  
Spiller Company: 999  
Contact Name: ELAINA  
DEC Memo: "Prior to Sept, 2004 data translation this spill Lead\_DEC Field was TIPPLE 8/23/05 - Raphael Ketani. Case transferred to Jeff Vought. 7/27/09- Complete File Review by Intern EM Ibeh and DEC Vought. File being reviewed is SP# 0010029, PIN# 01725, and spill date-12/4 / 2000. Caller remarks on original spill report states that oil was accidentally delivered to 170 Dover St., Brooklyn NY 11235 and strong odor from the oil was permeating the compound s residence. Closed SP# #0010030- 3rd party spill at 174 Dover St. on 12/5/00. 171gallons of unknown petroleum was spilled. SP# closed 12/14/00. No PBS records were found for either property. 12/28/00- Sales Contract from Capezzano Construction Corp. to Mrs. Tarmousky stating that they would provide all the necessary materials and labor to do the jobs described as, a) gutting of entire basement area b) removal of kitchen, walls, floor and ceiling c) removal of hall walls, floor and ceiling d) removal of (2) bedroom walls, floor and ceiling e) removal of all insulation f) removal of all basement floor joists, oak flooring and sub floor. It also states that above labor must be approved by Mr. Jacob Krimgold of the DEC and job to begin on 12/29/00. 12/28/00- Letter from DEC Krimgold to Mr. Mike Rizzo of National Transportation Fuel Corp, 195 Bush St., Brooklyn, NY 11231 stating that the letter provides National Transportation Fuel Corp. with the DEC s requirements regarding the petroleum spill and resulting vapors at the Tarnavsky s residence at 170 Dover St and that the DEC was notified by a neighbor on 12/5/00 that the company made an oil delivery to the above address when apparently, it does not possess an oil heating system. Letter states that investigation and cleanup of any petroleum contamination in soil or groundwater must be completed and site restored to pre-spill conditions within a reasonable time-frame to be established by the Department. Also stated was the hiring of Capezzano Construction Corp by Mr. Rizzo for removal of contaminated structures and soil beneath the basement floor, however there were doubts that Capezzano Construction Corp. could perform all remedial requirements thus it was advised by DEC that: a) all excavation beneath the house must be performed in accordance with Part 29 CFR 1910.120 of OSHA requirements b) all remedial work must be supervised by an engineer c) excavation of basement floor to the safe limit with analysis of post-excavation samples at a qualified laboratory d) if sample results indicate possibility of groundwater contamination, then at least 3 groundwater wells should be installed to monitor groundwater condition and if groundwater indicates contamination then a remediation system should be installed at the site e) all contaminated soil and petroleum-impacted materials from the basement of the residence must be removed and properly disposed of and f) the Department requires that exterior walls, foundation and other structures be steam cleaned and then sealed with epoxy liner (if necessary) to eliminate vapor impacts to the residence. 12/29/00- Fax transmittal from Milana Tarnavsky to DEC Krimgold stating that she contacted Mr. Rizzo of National Transportation Fuel Corp. on this day regarding the spill at

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Operable Unit: 01  
Material ID: 543955  
Material Code: 0001A  
Material Name: #2 fuel oil  
Case No.: Not reported

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|              |              |
|--------------|--------------|
| Material FA: | Petroleum    |
| Quantity:    | 171.00       |
| Units:       | G            |
| Recovered:   | .00          |
| Oxygenate:   | Not reported |